IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3583 of 2003

Between:

N.Narayan Reddy s/o N.Narsimha Reddy,
Staff No.E.87997, Plot No.30, Suryodaya Colony, L.B.Nagar,
Ranga Reddy District.

..... PETITIONER

AND

1 Labour Court, Hyderbad-I, rep. by its Presiding Officer., IInd Floor.,Chandra

Vihar Bldgs., M.J.Road., Hyderabad.
2 Depot Manager.,APSRTC.,Tandur Ranga Reddy District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records of the Ist respondent in I.D.No.153/99, dated 17-9-2002, published on 22-1-2003 and issue an appropriate Writ, order or direction particularly one in the nature of Writ of Certiorari and quash the award passed by the Ist respondent in I.d.No.153/99, dated 17-9-2002 by granting all consequential benefits.

Counsel for the Petitioner: R.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.1 GP FOR LABOUR.

Counsel for the Respondent No.2: Sri V.T.M.PRASAD, STANDING COUNSEL FOR APSRTC.

The Court made the following :

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ORDER:

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Heard the learned counsel for the petitioner and Sri V.T.M.Prasad, the learned Standing Counsel appearing on behalf of the 2nd respondent-Corporation.

The petitioner, who has been working as a Conductor with the respondent-Corporation, files this writ petition seeking to assail the award in I.D.No.153 of 1999, dated 17.09.2002 rejecting the petitioner's reference in the dispute arising on the orders of removal passed against him in pursuance of the allegations made against him on four charges resulting out of check made on 28.10.1999 while he was conducting a bus at stage No.31/33 at about 9.00 AM. The case of the petitioner is that for no fault of him, he has been mulcted against of such charges without there being any material or justification. There is no dispute to the fact that there was a check on 28.10.1998 and where it was found that the petitioner who was using used tickets. Whereas the petitioner's case was that it is only due to some exchange of tickets in the midst of journey by the passengers themselves and it is very difficult for every passenger to be identified at the end of the journey. Therefore, the same cannot be put against the petitioner.

However, considering the submissions made and also on perusal of the material, it is seen that apart from the question as to whether such theory as to the exchange of tickets will be accepted or not, there is an allegation that used tickets were also found on the floor of the bus for which there is no explanation forthcoming on behalf of the petitioner. After reference during the course of enquiry before the Labour Court, a finding was given to the effect that the enquiry was valid and therefore the

only question remained was as to the quantum of punishment.

Even after such finding arrived at by the Labour Court, no evidence was let in from any of the sides, the petitioner did not try to substantiate his case on the said case of transfer of tickets by the passengers themselves or nor there is any material or evidence to rebut the charges made against him in respect of the tickets which have been found on the floor of the bus. Therefore, either way it is very difficult for this Court to re-assess the same or go into the factual side and come to any different conclusion moreso in exercise of powers under Article 226 of the Constitution of India. Further on both the counts, it cannot be said that the findings arrived at by the Labour Court are in any way perverse. Having regard to the above, I do not find any merits in the writ petition.

The writ petition is, accordingly, dismissed. No costs.

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B. PRAKASH RAO, J

18th January, 2005.

DRK/CHVN.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 Presiding Officer., Labour Court -I IInd Floor.,Chandra Vihar

Bldgs., M.J.Road., Hyderabad.
2 Depot Manager.,APSRTC.,Tandur Ranga Reddy District.

3 Two C.Cs to the G.P. for Labour, High Court Buildings,

Hyderabad (OUT).

4 Two C.D. copies.